

UNITED STATES DISTRICT COURT

for the

EASTERN DISTRICT OF WISCONSIN

In the Matter of the Search of

A USPS Priority Mail Express parcel EK659540571US (the "SUBJECT PARCEL"). The SUBJECT PARCEL is an approximately 12" x 10" x 8" parcel that weighs approximately 9 lbs. 5 oz. The SUBJECT PARCEL's label indicates it is from "Michael Burgos Rivera, MC 02 Box 7587, Hormigueros, P.R. 00660." The SUBJECT PARCEL bears a handwritten label addressed to "Jose Luis Burgos Rivera, 2166 S 15th, Milwaukee 53215." The SUBJECT PARCEL was postmarked on October 24, 2018 in Hormigueros, Puerto Rico 00660. The postage paid was \$93.15.

Case Number: 18-MJ-1334

APPLICATION & AFFIDAVIT FOR SEARCH WARRANT

I, Tyler Fink, a federal law enforcement officer, request a search warrant and state under penalty of perjury that I have reason to believe that on the following person or property:

A USPS Priority Mail Express parcel EK659540571US (the "SUBJECT PARCEL"). The SUBJECT PARCEL is an approximately 12" x 10" x 8" parcel that weighs approximately 9 lbs. 5 oz. The SUBJECT PARCEL's label indicates it is from "Michael Burgos Rivera, MC 02 Box 7587, Hormigueros, P.R. 00660." The SUBJECT PARCEL bears a handwritten label addressed to "Jose Luis Burgos Rivera, 2166 S 15th, Milwaukee 53215." The SUBJECT PARCEL was postmarked on October 24, 2018 in Hormigueros, Puerto Rico 00660. The postage paid was \$93.15.

located in the Eastern District of Wisconsin there is now concealed: **Please see attached affidavit, which is hereby incorporated by reference.**

The basis for the search warrant under Fed. R. Crim. P. 41(c) is (check one or more):

- ☒ evidence of a crime;
- ☒ contraband, fruits of a crime, or other items illegally possessed;
- ☐ property designed for use, intended for use, or used in committing a crime;
- ☐ a person to be arrested or a person who is unlawfully restrained.

The search is related to a violation of:

Title 21, United States Code, Sections 841(a)(1) and 843(b).

The application is based on these facts:

- ☒ Continued on the attached sheet, which is incorporated by reference.
- ☐ Delayed notice of 180 days (give exact ending date if more than 30 days: _____) is requested under 18 U.S.C. § 3103a, the basis of which is set forth on the attached sheet.

Sworn to before me, and signed in my presence.

Date 11/1, 2018

City and state: Milwaukee, Wisconsin

Applicant's signature

Name and Title: Tyler Fink, U.S. Postal Inspector

THE HONORABLE WILLIAM E. DUFFIN

United States Magistrate Judge

Name & Title of Judicial Officer

Affidavit of U.S. Postal Inspector Tyler Fink

I, Tyler Fink, being duly sworn on oath, state as follows;

1. I am a United States Postal Inspector employed by the United States Postal Inspection Service (USPIS). I have been so employed since February 2017. I am currently assigned to a multi-functional team in Milwaukee, WI. This team investigates mail theft, fraud, the theft of Postal property, prohibited mailings, controlled substances, and other matters related to the Postal Service. I hold a Bachelor's degree in Mechanical Engineering from the University of Missouri-St. Louis. In June 2014, I graduated from the St. Louis County and Municipal Police Academy as a Police Officer working for the Creve Coeur Police Department. Through the course of my approximately two and a half years as a Police Officer at the Creve Coeur Police Department, I used my training and experience to locate, identify, and seize multiple types of narcotics, drugs, and drug contraband. Through the course of my approximate one year career with the USPIS, I have used my training and experience to locate and identify multiple parcels containing narcotics and drugs; as well as proceeds from the sale of narcotics and drugs. I am currently placed on the High Intensity Drug Trafficking Area (HIDTA) Interdiction Initiative Task Force. I have been the affiant on over 50 warrants in federal court. Based on my training received at the USPIS Career Development Unit, personal experience, on the job training, and working with other Postal Inspectors and Wisconsin HIDTA drug task force officers, I know narcotics, drugs, paraphernalia, controlled substances, and moneys associated with the sale of narcotics, drugs, and controlled substances are sent through the United States Postal Service (USPS) system, and I am familiar with many of the methods used by individuals who attempt to use the USPS to illegally distribute controlled substances.

2. The USPS is the primary investigative arm of the United States Postal Service and is charged under Title 18, United States Code, 3061 with the enforcement of laws governing the use and movement of the United States Mail, including the misuse and fraudulent schemes involving the mail, crimes relating to mail fraud, narcotics trafficking and identity theft involving the United States Mail.

PURPOSE OF AFFIDAVIT

3. This affidavit is made in support of a search warrant for the **SUBJECT PARCEL** (detailed below) for items which constitute the fruits, instrumentalities, and evidence of violations of Title 21, United States Code, Sections 841(a)(1) (Distribution and Possession with Intent to Distribute a Controlled Substance) and 843(b) (Unlawful Use of a Communication Facility (including the mails) to Facilitate the Distribution of a Controlled Substance); and to seize: any controlled substance, and any paraphernalia associated with the manufacture and distribution of controlled substances, including packaging materials and containers to hold controlled substances; proceeds of drug trafficking activities, such as United States currency, money orders, bank checks, precious metals, financial instruments; and drugs or money ledgers, drug distribution or customer lists, drug supplier lists, correspondence, notations, logs, receipts, journals, books, records, and other documents noting the price, quantity, and/or times when controlled substances were obtained, transferred, sold, distributed, and/or concealed.

PARCEL TO BE SEARCHED

4. This affidavit is made in support of an application for a search warrant for USPS Priority Mail Express parcel EK659540571US (the "**SUBJECT PARCEL**"). The **SUBJECT PARCEL** is an approximately 12" x 10" x 8" parcel that weighs approximately 9 lbs. 5 oz. The **SUBJECT PARCEL**'s label indicates it is from "Michael Burgos Rivera, MC 02 Box 7587,

Hormigueros, P.R. 00660.” The **SUBJECT PARCEL** bears a handwritten label addressed to “Jose Luis Burgos Rivera, 2166 S 15th, Milwaukee 53215.” The **SUBJECT PARCEL** was postmarked on October 24, 2018 in Hormigueros, Puerto Rico 00660. The postage paid was \$93.15.

INVESTIGATION OF THE SUBJECT PARCEL

5. I review Postal Service records and labels delivered to, and sent from, the Milwaukee area to and from source narcotic areas. I do this because I know, based on my training and experience, drug traffickers will sometimes use Priority Mail Express service, which is the USPS one-day delivery product. Based on my training and experience with the USPIS, I know drug traffickers use First Class Mail, Priority Mail, and Priority Mail Express delivery service because of its reliability and the ability to track the article’s progress to the intended delivery point. In my training and experience, traffickers will often use fictitious names and/or addresses as well as incomplete names and addresses in an attempt to hide their trafficking efforts from law enforcement.

6. On Thursday, October 25, 2018, I was conducting routine parcel screening at the Milwaukee Processing and Distribution Center (P&DC), located at 345 W. Saint Paul Avenue, Milwaukee, WI 53203, when I deemed the **SUBJECT PARCEL** to be suspicious.

7. The consolidated lead evaluation and reporting (CLEAR) database is a public records product which is designed for law enforcement officers in locating subjects and witnesses, verifying identities of individuals, and gathering background information for use in investigations. A search of the CLEAR database revealed no person by the name of Jose Luis Burgos Rivera currently lives, or has lived, at 2166 S 15th Street, Milwaukee, WI 53215.

8. The Urbanization Code is missing for the origin address. It is unknown if the address and sender's name is real or fictitious.

9. Based on my training and experience, I am aware Puerto Rico is a trans-shipment point for controlled substances. As such, controlled substances are frequently transported from Puerto Rico via the USPS, and the proceeds from the sale of the controlled substances are frequently returned to Puerto Rico via the USPS and/or other means. These proceeds are generally in large amounts of money, oftentimes over \$1000.

10. On October 30, 2018, I met with Milwaukee Police Detective Christopher Ederesinghe and his canine "DAN" at the North Central High Intensity Drug Trafficking Area parking garage, located at 801 W Michigan Street, Milwaukee, WI 53233. Together, Detective Ederesinghe and DAN are a certified Police Narcotic Detection Team accredited through the North American Police Work Dog Association, certified by the North American Work Dog Association Master K-9 Trainer John Brannon in the detection of heroin, cocaine, marijuana, methamphetamine, and other controlled substances made with the like components. Detective Ederesinghe and DAN were certified on January 18, 2018 by US Customs and Border Protection certified technical trainer. Detective Ederesinghe received an additional 80 hours of single purpose narcotic detector dog handling training May 24, 2015 through May 28, 2015. Detective Ederesinghe is a current member of the North American Work Dog Association as required by the State of Wisconsin Controlled Substances Board, and the California Narcotics Canine Association. Detective Ederesinghe states during training, DAN has alerted to the presence of the controlled substance he is trained to detect over 400 times.

11. On October 30, 2018, I placed the **SUBJECT PARCEL** on the ground of the parking garage between a concrete wall and a vehicle parked in the garage. DAN located and

alerted to the **SUBJECT PARCEL**. Detective Ederesinghe informed me DAN's alert indicates the presence of controlled substances or other items, such as proceeds of controlled substances, which have been recently contaminated with, or associated with the odor of one or more controlled substances.

12. Based upon the information as outlined in this affidavit, I believe there is probable cause to indicate the contents of the **SUBJECT PARCEL** is drug related, and thus constitutes the fruits, instrumentalities, and evidence of violation of Title 21, United States Code, Sections 841(a)(1) (Distribution and Possession with Intent to Distribute a Controlled Substance) and 843(b) (Unlawful Use of a Communication Facility, including the mails, to Facilitate the Distribution of a Controlled Substance).

13. Because this affidavit is submitted for the limited purpose of securing authorization for a search warrant, I have not included each and every fact known to me concerning this investigation. I have set forth only the facts that I believe are essential to establish the necessary foundation for the requested search warrant.

14. The **SUBJECT PARCEL** is currently being held at the USPIS Milwaukee Domicile, located at 345 W Saint Paul Avenue, Milwaukee, WI 53201.